

International Progress Organization



Organisation Internationale pour le Progrès

**ANNUAL OBSERVANCE OF THE
INTERNATIONAL DAY OF SOLIDARITY WITH THE PALESTINIAN PEOPLE**

Special meeting convened by the
Committee on the Exercise of the Inalienable Rights of the Palestinian People
in accordance with United Nations General Assembly resolution 32/40

Dr. Hans Köchler
President of the International Progress Organization

«PALESTINE AND THE INTERNATIONAL RULE OF LAW»

United Nations Office at Vienna

29 November 2021

Madam Chairperson,
Mr. Representative of the Secretary-General of the United Nations,
Mr. Ambassador of the State of Palestine,
Excellencies,
Ladies and Gentlemen,

The principle of self-determination is mentioned in the very first Article of the United Nations Charter. Earlier this month, the Third Committee again sent a draft resolution to the General Assembly in support of the right of the Palestinian people to self-determination. An overwhelming majority of 158 member States voted in favour of the text. Apart from Israel, only 5 States, including a permanent member of the Security Council, voted against.

This voting pattern – more than two thirds in favour and *one* permanent member against – highlights the dilemma faced by the international community in its support to Palestinian self-determination and statehood. Because of the veto, the Security Council so far could not use its coercive powers under Chapter VII of the Charter to bring an end to the occupation of Palestinian land and to annul the annexation of East Jerusalem. Due to the veto, the Council has only been able to pass resolutions, which are legally non-binding. The constellation may not change in the foreseeable future. Also, emergency special sessions, which the General Assembly may convene on the basis of the "Uniting for peace" procedure (resolution 377 [V] of 1950) – as it did several times already – can only adopt *recommendations*. What remains – for the majority of UN member States and international civil society alike – is to continue to raise global awareness about this predicament, and not to remain silent about the violations of the most fundamental rights of the Palestinian people.

UN member States should also use their influence, economic as well as political, on a bilateral basis. Those States that maintain diplomatic relations with Israel should not transfer their embassies to Jerusalem. It is to be recalled here that, in resolution 478 (1980), the Security Council has determined that the enactment of the "basic law" that entails the annexation of Jerusalem by the occupying power is null and void.

As regards diplomatic representation to the Palestinian Authority, may I express the hope that the United States administration will go ahead with its plan to reopen the Consulate in East Jerusalem. Under the circumstances, this would be an important symbolic step in defiance of annexation, and a rejection of a policy of *fait accompli*.

Since 2006, the General Assembly has annually reaffirmed "its solemn commitment to an international order based on the rule of law and international law, which, together with the principles of justice, is essential for peaceful coexistence and cooperation among States." However, in recent history, justice and the rule of law have nowhere more persistently been neglected than in the land of Palestine. This relates not only to the illegality of the acquisition of territory by force and the inadmissibility of annexation, but also to systemic violations of human rights and international humanitarian law in the course of the occupation.

We strongly condemn the designation of six Palestinian human rights and civil society groups as "terrorist organizations" by the Israeli government. The United Nations High Commissioner for Human Rights, Ms. Michelle Bachelet, has convincingly stated that "claiming rights before a UN or other international body is not an act of terrorism, advocating for the rights of women in the occupied Palestinian territory is not terrorism, and providing legal aid to Palestinians is not terrorism." The measure to outlaw these NGOs is an attack on Palestinian civil society as a whole and an effort to silence legitimate advocacy and criticism.

We also join the International Federation of Journalists (IFJ) in condemning the targeting of journalists working in Palestine. At least 46 people of the media profession have been killed since 2000, and no one has been held to account. A particularly serious case were the attacks on Palestinian journalists, covering demonstrations in Gaza, by Israeli snipers, and the bombing of the Al-Shorouk and Al-Jawhara Towers in Gaza City in May 2021. It will be up to the International Criminal Court (ICC) to investigate these and other international crimes that are alleged to have been committed on the territory of Palestine since the accession of the State of Palestine to the Rome Statute of the ICC in April 2015. Pre-Trial Chamber I of the ICC has now determined that the Court may exercise criminal jurisdiction in the Situation in Palestine (5 February 2021).

Madam Chairperson,

A major tragedy under Israeli occupation is often overlooked, namely the plight of Palestinian children who, under the harsh conditions of occupation and military rule, are deprived of their youth. Let me quote here from an appeal by Janna Tamimi, a girl and youth activist from the village of Nabi Salih in the West Bank who became known as the youngest Palestinian journalist: "Israel is the only country in the world that

arrests, detains and tries children in a military court system. (...) Palestinian children who are detained in Israeli prisons face a great deal of trauma. Because of what they have been through, even after their release, many will not be able to enjoy their childhood again." These were the words of Ms. Tamimi. Any further comment is superfluous.

A major obstacle to peace and justice is the continued aggressive settlement policy in occupied Palestine. The additional endorsement by the occupation authorities earlier last month of more than 3,000 settler homes in the West Bank further undermines chances of a two-state solution in Palestine. Since Israel seized the West Bank and East Jerusalem in 1967, almost 700,000 Israelis have moved into settlements that are strictly illegal under the UN Charter. This makes a mockery of international law and sows the seeds of future conflict. There should be no illusion about the prospects of peace in the wider Middle East under a régime of perpetual occupation in Palestine. Peace will be an elusive dream if "Final Status" (a term used in the Oslo Accords) means a new form of Protectorate.

Normalization of bilateral relations in the region cannot do away with the harsh reality in Palestine – in terms of the legal situation and conditions of everyday life. The promise of economic benefits is shallow. Peace without justice is no peace at all. The dignity of a people and its right to self-determination are non-negotiable.

Thank you, Madam Chairperson.